

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE AT GREENEVILLE**

Lori K. Wilhoit,

Plaintiff,

v.

Time Insurance Company,

Defendant.

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Civil Action No.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441(a), *et seq.*, defendant, Time Insurance Company (“Time”) files this Notice of Removal of this action from State Court to this Court and respectfully states as follows:

1. On October 10, 2008, plaintiff, Lori K. Wilhoit (“Wilhoit”) commenced a civil action in the Chancery Court of Washington County, Tennessee (“the State Court”), bearing the style, *Lori K. Wilhoit v. Time Insurance Company*, Docket No. 37159 (“the Civil Action”). The Civil Action is still pending in the State Court.

2. Time was served with a copy of the Summons and Complaint for Declaratory Judgment on October 24, 2008, copies of which are attached as Exhibit A, and which constitute all process, pleadings, and orders served on Time in the Civil Action to date.

3. Time has, to date, made no appearance in the Civil Action in State Court.

4. The Civil Action is one of which this Court has jurisdiction pursuant to 28 U.S.C. § 1332 and removal jurisdiction pursuant to 28 U.S.C. § 1441 in that:

(a) Time, both at the time of filing of the Civil Action and as of the date of filing of this Notice, was and is a corporate citizen incorporated under the laws of the State of Wisconsin with its principal place of business in the State of Wisconsin.

(b) Wilhoit, both at the time of filing of the Civil Action and as of the date of filing this Notice, was and is a citizen of the State of Tennessee.

(c) Jurisdiction exists between all parties properly joined in the civil action in that the civil action is between citizens of different States, and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

(d) This action is within the original jurisdiction of the Court pursuant to the provisions of 28 U.S.C. § 1332.

5. Time has filed this Notice prior to the expiration of thirty (30) days following its receipt of a copy of the Complaint.

6. Time will give written notice to Wilhoit and will file a Notice of Filing of Notice of Removal with the Clerk of the Chancery Court of Washington County, Tennessee. Time attaches a copy of the Notice of Filing of Notice of Removal as Exhibit B.

WHEREFORE, defendant, Time Insurance Company prays that the Civil Action now pending against it in the Chancery Court of Washington County, Tennessee, be removed therefrom to this Court.

Respectfully Submitted,



S. RUSSELL HEADRICK (TN5750)
LESLIE L. BEALE (TN22015)

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Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing has been served upon the following via prepaid U.S. Mail this 12th day of November, 2008.

Howell H. Sherrod, Jr.
249 East Main Street
Johnson City, Tennessee 37604



Attorney